

State of South Dakota

EIGHTY-FIRST SESSION LEGISLATIVE ASSEMBLY, 2006

905M0209

SENATE BILL NO. 9

Introduced by: The Committee on Retirement Laws at the request of the South Dakota Retirement System

1 FOR AN ACT ENTITLED, An Act to revise certain beneficiary provisions of the South Dakota
2 Retirement System.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 3-12-110 be amended to read as follows:

5 3-12-110. If the aggregate benefits payable to a member and the member's ~~beneficiaries~~
6 surviving spouse and minor children pursuant to §§ 3-12-75, 3-12-91, 3-12-92, 3-12-92.4, 3-12-
7 92.6, 3-12-94, 3-12-95, 3-12-99, and 3-12-103, after all allowances currently or potentially
8 payable under any provision of this chapter have terminated, do not total to the member's
9 accumulated contributions including one hundred percent of employer contributions, then the
10 balance equal to the difference between the accumulated contributions and total payments made
11 to date shall be paid in a lump sum as provided in this section.

12 Amounts payable under this section shall be paid as follows:

- 13 (1) To the beneficiary or entity designated by the member, if any is designated; or
14 (2) If no beneficiary or entity is designated, then to the member's surviving spouse; or
15 (3) If no beneficiary or entity is designated and there is no surviving spouse, then to all



surviving children, irrespective of age, on a share alike basis; or

~~(3)~~(4) If no beneficiary or entity is designated, there is no surviving spouse, and there are no surviving children, then ~~to the recipient of the last benefit payment made by the system~~ or to the member's estate.

If no claim for payment due upon the death of a deceased member is made within three years from date of death, the payment shall revert to the system. However, a claim may be honored after the expiration of the three-year reversion period if, in the opinion of the administrator, payment of the claim is warranted by exceptional circumstances.

This section does not apply to any member who withdraws accumulated contributions pursuant to § 3-12-76, 3-12-76.1, or 3-12-77 after termination of employment, or to any nonvested member who dies after termination of employment.

Section 2. That § 3-12-116 be amended to read as follows:

3-12-116. If a designated beneficiary does not survive the member, any ~~benefits~~ lump-sum payment that may be due ~~will~~ shall be payable to the member's surviving spouse. If there is no surviving spouse, the payment shall be payable to all of the member's surviving children, irrespective of age, on a share-alike basis. If there is no surviving spouse and there are no surviving children, the payment shall be payable to the estate of the deceased member. If no claim for ~~benefits~~ payment due upon the death of a deceased member is made within ~~two~~ three years from date of death, ~~such benefits~~ the payment shall revert to the system. However, a claim may be honored after the expiration of the three-year reversion period if, in the opinion of the administrator, payment of the claim is warranted by exceptional circumstances.